

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 SIXTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 13, 1999

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

The colors were presented by the Minnesota Law Enforcement Memorial Association Honor Guard.

Prayer was offered by Father Terrence Hayes, Minneapolis Police Department, Minneapolis, Minnesota.

The Law Enforcement Memorial Prayer was offered by Sheriff Bud Olson of Carver County, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorn	Holsten	Lindner	Otremba	Storm
Abrams	Entenza	Howes	Luther	Ozment	Swenson
Anderson, B.	Erhardt	Huntley	Mahoney	Paulsen	Sykora
Anderson, I.	Erickson	Jaros	Mares	Pawlenty	Tingelstad
Bakk	Finseth	Jennings	Mariani	Paymar	Tomassoni
Biernat	Folliard	Johnson	Marko	Pelowski	Trimble
Bishop	Fuller	Juhnke	McCollum	Peterson	Tuma
Boudreau	Gerlach	Kahn	McElroy	Pugh	Tunheim
Bradley	Gleason	Kalis	McGuire	Rest	Van Dellen
Broecker	Goodno	Kelliher	Milbert	Reuter	Vandever
Buesgens	Gray	Kielkucki	Molnau	Rhodes	Wagenius
Carlson	Greenfield	Knoblach	Mulder	Rifenberg	Wejcman
Carruthers	Greiling	Koskinen	Mullery	Rostberg	Wenzel
Cassell	Gunther	Krinkie	Munger	Rukavina	Westerberg
Chaudhary	Haake	Kubly	Murphy	Schumacher	Westfall
Clark, J.	Haas	Kuisle	Ness	Seifert, J.	Westrom
Daggett	Hackbarth	Larsen, P.	Nornes	Seifert, M.	Wilkin
Davids	Harder	Larson, D.	Olson	Skoglund	Winter
Dawkins	Hasskamp	Leighton	Opatz	Smith	Wolf
Dehler	Hausman	Lenczewski	Orfield	Solberg	Workman
Dempsey	Hilty	Leppik	Osskopp	Stanek	Spk. Sviggum
Dorman	Holberg	Lieder	Osthoff	Stang	

A quorum was present.

Clark, K., and Skoe were excused.

Seagren was excused until 12:25 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Fuller moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 83 and H. F. No. 1493, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ozment moved that the rules be so far suspended that S. F. No. 83 be substituted for H. F. No. 1493 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1876 and H. F. No. 2127, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abrams moved that the rules be so far suspended that S. F. No. 1876 be substituted for H. F. No. 2127 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 83 and 1876 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Holsten, Ozment, Mares, Pugh, Hackbarth, Wenzel, Westfall, Rostberg and McCollum introduced:

H. F. No. 2447, A bill for an act relating to natural resources; modifying provisions for recreational vehicle, hunting, and firearm training courses; appropriating money; amending Minnesota Statutes 1998, sections 84.791, subdivisions 2 and 3; 84.86, subdivision 1; 84.925, subdivision 1; 97B.015, subdivisions 2 and 4; and 97B.025.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Skoglund, Juhnke, Smith, Bishop and Stanek introduced:

H. F. No. 2448, A bill for an act relating to corrections; providing notice to certain victims and criminal justice system officials of an inmate's request for a name change; prohibiting inmate name changes that have the purpose or effect of harassing another; amending Minnesota Statutes 1998, sections 259.11; and 259.12.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Davids and Carlson introduced:

H. F. No. 2449, A bill for an act relating to professions; board of accountancy; changing board membership; changing educational requirements; providing for certification of licensed accounting practitioners; appropriating money; amending Minnesota Statutes 1998, sections 326.1655, by adding a subdivision; 326.17; 326.18, subdivisions 4 and 5; 326.192, subdivisions 1, 4, and by adding a subdivision; 326.20, subdivisions 1 and 3; 326.211, subdivisions 5, 6, 7, 8, 9, 10, and by adding subdivisions; 326.212, subdivision 1, and by adding a subdivision; and 326.224; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1998, section 326.212, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce.

Skoglund and Wagenius introduced:

H. F. No. 2450, A bill for an act relating to firearms; increasing the lawful age from 18 to 21 for possessing a pistol or a semiautomatic military-style assault weapon; amending Minnesota Statutes 1998, section 624.713, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime Prevention.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 319, A bill for an act relating to retirement; various pension plans; providing special benefit coverage for privatized employees of the Luverne public hospital, the Waconia Ridgeview medical center, and the Glencoe area health center; creating a local government correctional service retirement plan; modifying actuarial cost provision; providing a special property tax levy for certain county retirement contributions; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; establishing an additional postretirement adjustment for the Fairmont police relief association; extending survivor benefit provisions to include certain Fairmont police relief association survivors; providing a special ad hoc postretirement adjustment to certain retired St. Cloud police officers; merging the pre-March 1, 1999, local police and paid fire consolidation accounts into the public employees police and fire plan; extending the minimum volunteer firefighter fire state aid amount to post-1993 relief association members; modifying governance provisions for the Minneapolis fire department relief association and the Minneapolis police relief association; providing a targeted early retirement incentive program for certain employees of the metropolitan council; permitting the purchase of service credit by various public employees; mandating certain school district service credit purchase payments; making miscellaneous changes in the legislators retirement plan, the Minnesota state colleges and university system individual retirement account plan, the Minnesota state retirement system, and the teachers retirement association; including supplemental needs trusts as recipients of optional annuity forms; eliminating the service credit maximum for monthly benefit volunteer fire relief associations; mandating school district repayment of certain omitted deduction interest charges; expanding the membership of the state correctional employees retirement plan to include certain Minnesota extended treatment options program employees; downsizing the early retirement reduction rates for various public safety plans; grandparenting public employee police and fire plan coverage for certain Rice county correctional employees; requiring Rice county to repay certain police state aid amounts; providing employer penalties for pension plan

membership certification failures or errors; providing special retirement coverage for certain state fire marshal employees; authorizing the purchase of credit for certain periods of prior military service, out-of-state public teaching service, maternity leaves, maternity breaks-in-employment, parochial or private school teaching service, Peace Corps service or VISTA service; clarifying various Minneapolis employees retirement plan survivor benefit provisions; increasing the number of vendors for certain tax-sheltered annuities for educational employees; modifying various benefit provisions for certain Minnesota state colleges and universities employees; reducing the membership of the legislative commission on pensions and retirement; requiring a study; authorizing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association to purchase or construct an administrative building; authorizing the issuance of certain revenue bonds; amending Minnesota Statutes 1998, sections 3.85, subdivisions 3, 11, and 12; 3A.02, subdivision 1b; 43A.27, subdivision 3; 69.021, subdivisions 7 and 10; 69.031, subdivision 5; 122A.46, subdivision 2; 136F.48; 273.1385, subdivision 2; 352.03, subdivision 1; 352.90; 352.91, by adding a subdivision; 352.92, subdivisions 1 and 2; 352.93, subdivision 2a; 352B.08, subdivision 2a; 353.01, subdivisions 2b, 10, and 16; 353.03, subdivision 4; 353.27, subdivisions 2 and 3; 353.64, subdivision 1; 353.65, subdivisions 2 and 3; 353.651, subdivision 4; 353A.083, by adding a subdivision; 353A.09, subdivisions 4, 5, and by adding a subdivision; 354.05, subdivision 40; 354.06, subdivisions 1 and 7; 354.10, subdivision 4; 354.445; 354.66, subdivisions 1b, 1c, and 3; 354B.24, subdivision 3; 354B.25, subdivisions 2, 3, and 5; 354C.11; 354C.12, subdivision 4; 356.19, by adding subdivisions; 356.20, subdivision 2; 356.215, subdivision 4g; 356.24, subdivision 1; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; 356.55, subdivisions 1 and 6; 422A.06, subdivisions 3 and 6; 422A.101, subdivision 4; 422A.18, subdivision 2; 422A.22, subdivisions 4 and 5; and 422A.23; 423A.02, subdivisions 1b, 2, and by adding subdivisions; and 423B.07; Laws 1977, chapter 61, section 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 352; 353; 354; 354A; 354B; 356; and 422A; proposing coding for new law as Minnesota Statutes, chapters 353E; and 353F; repealing Minnesota Statutes 1998, sections 353.33, subdivision 3a; 353.65, subdivision 3a; 422A.16, subdivision 3a; and 424A.02, subdivision 5; Laws 1998, chapter 390, article 1, section 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pogemiller, Betzold and Terwilliger.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mares moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 319. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 516, A bill for an act relating to elections and ethics; clarifying definitions; giving the board of campaign finance and public disclosure jurisdiction over the ban on gifts to local officials; facilitating reports of last-minute contributions; clarifying campaign finance requirements; increasing certain campaign contribution and spending limits; requiring return of public subsidies under certain conditions; making advisory opinions public data; clarifying certain definitions and prohibitions; clarifying and authorizing exceptions to the ban on gifts; providing civil penalties; providing for updated voter records; amending Minnesota Statutes 1998, sections 10A.01, subdivisions 7, 11, and 18; 10A.02, subdivisions 11, 12, and 13; 10A.03, subdivision 3; 10A.04, subdivisions 5 and 7; 10A.065, subdivisions 1, 3, and by adding a subdivision; 10A.071; 10A.08; 10A.09, subdivisions 3 and 7; 10A.14,

subdivision 4; 10A.15, subdivisions 3, 5, and by adding a subdivision; 10A.20, subdivisions 2, 3, 5, 12, and by adding a subdivision; 10A.23; 10A.25, subdivisions 2 and 10; 10A.255, subdivision 1; 10A.27, subdivision 10; 10A.29; 10A.31, subdivisions 7 and 10; 10A.315; 10A.322, subdivisions 1 and 4; 10A.324, subdivision 1; 10A.34; 200.02, by adding a subdivision; 201.13, by adding a subdivision; 211A.02, subdivision 2; 211A.12; 290.06, subdivision 23; and 471.895; proposing coding for new law in Minnesota Statutes, chapter 211A.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Junge, Ourada and Flynn.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knoblach moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 516. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 233.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 233

A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 233, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 233 be further amended as follows:

Page 2, lines 14 and 18, reinstate the stricken language and after "in" insert "paragraph (b)."

Page 2, line 19, reinstate the stricken language

Page 2, line 29, after "produced" insert "and delivered"

Page 2, line 30, after the comma, insert "and provided that the property owner has not within 30 days responded to the public service corporation with a written objection to the terms of the property description."

We request adoption of this report and repassage of the bill.

Senate Conferees: DAVID J. TEN EYCK, DAVID L. KNUTSON AND DON BETZOLD.

House Conferees: DAVE BISHOP, LEN BIERNAT AND JOHN TUMA.

Bishop moved that the report of the Conference Committee on S. F. No. 233 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 233, A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Luther	Ozment	Swenson
Abrams	Entenza	Howes	Mahoney	Paulsen	Sykora
Anderson, B.	Erhardt	Huntley	Mares	Pawlenty	Tingelstad
Anderson, I.	Erickson	Jaros	Mariani	Paymar	Tomassoni
Bakk	Finseth	Jennings	Marko	Pelowski	Trimble
Biernat	Folliard	Johnson	McCollum	Peterson	Tuma
Bishop	Fuller	Juhnke	McElroy	Pugh	Tunheim
Boudreau	Gerlach	Kahn	McGuire	Rest	Van Dellen
Bradley	Gleason	Kalis	Milbert	Reuter	Vandever
Broecker	Goodno	Kelliher	Molnau	Rhodes	Wagenius
Buesgens	Gray	Kielkucki	Mulder	Rifenberg	Wejcman
Carlson	Greenfield	Knoblach	Mullery	Rostberg	Wenzel
Carruthers	Greiling	Koskinen	Munger	Rukavina	Westerberg
Cassell	Gunther	Kubly	Murphy	Schumacher	Westfall
Chaudhary	Haake	Kuisle	Ness	Seifert, J.	Wilkin
Clark, J.	Haas	Larsen, P.	Nornes	Seifert, M.	Winter
Daggett	Hackbarth	Larson, D.	Olson	Skoglund	Wolf
Davids	Harder	Leighton	Opatz	Smith	Workman
Dawkins	Hasskamp	Lenczewski	Orfield	Solberg	Spk. Sviggum
Dehler	Hausman	Leppik	Osskopp	Stanek	
Dempsey	Hilty	Lieder	Osthoff	Stang	
Dorman	Holberg	Lindner	Otremba	Storm	

Those who voted in the negative were:

Westrom

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1204.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1204

A bill for an act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.

May 6, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1204, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: DAVE JOHNSON, DAVID J. TEN EYCK AND KENRIC J. SCHEEVEL.

House Conferees: JIM ROSTBERG, JIM RHODES AND MARK S. GLEASON.

Rostberg moved that the report of the Conference Committee on S. F. No. 1204 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1204, A bill for an act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Daggett	Dehler
Abrams	Biernat	Broecker	Cassell	Davids	Dempsey
Anderson, I.	Bishop	Carlson	Clark, J.	Dawkins	Dorman

Dorn	Hasskamp	Kuise	Molnau	Pugh	Tomassoni
Entenza	Hausman	Larsen, P.	Mulder	Rest	Trimble
Erhardt	Hilty	Larson, D.	Mullery	Rhodes	Tuma
Erickson	Holberg	Leighton	Munger	Rostberg	Tunheim
Finseth	Holsten	Lenczewski	Murphy	Rukavina	Van Dellen
Folliard	Howes	Leppik	Ness	Schumacher	Wagenius
Fuller	Huntley	Lieder	Nornes	Seifert, J.	Wejcman
Gleason	Jaros	Lindner	Opatz	Seifert, M.	Westerberg
Goodno	Jennings	Luther	Orfield	Skoglund	Westfall
Gray	Johnson	Mahoney	Osskopp	Smith	Westrom
Greenfield	Juhnke	Mares	Osthoff	Solberg	Wilkin
Greiling	Kahn	Mariani	Otremba	Stanek	Winter
Gunther	Kalis	Marko	Ozment	Stang	Wolf
Haake	Kelliher	McCollum	Pawlenty	Storm	Workman
Haas	Knoblach	McElroy	Paymar	Swenson	Spk. Sviggum
Hackbarth	Koskinen	McGuire	Pelowski	Sykora	
Harder	Kubly	Milbert	Peterson	Tingelstad	

Those who voted in the negative were:

Anderson, B.	Buesgens	Kielkucki	Olson	Reuter	Vandever
Boudreau	Gerlach	Krinkie	Paulsen	Rifenberg	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 851.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 851

A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 851, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 851 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 465.715, subdivision 1a, is amended to read:

Subd. 1a. [APPLICATION.] Except as provided by subdivision 2, subdivision 1 only applies to a corporation for which a certificate of incorporation is issued by the secretary of state on or after June 1, 1997. A corporation that had been issued a certificate of incorporation before June 1, 1997, may continue to operate as if it had been created in compliance with subdivision 1. This subdivision expires July 1, ~~1999~~ 2001.

Sec. 2. [TASK FORCE ON CORPORATIONS CREATED BY POLITICAL SUBDIVISIONS.]

Subdivision 1. [ESTABLISHED; PURPOSE.] (a) A task force on corporations created by political subdivisions is established to review and consider the findings and recommendations of the January 29, 1999, report of the state auditor on corporations created by public entities and to determine:

(1) whether existing public corporations established by political subdivisions should be authorized to continue as public corporations, be dissolved, or be restructured as private corporations;

(2) whether political subdivisions of the state should be authorized to create new corporations, and if so, under general law or special law, and for what purposes; and

(3) what requirements or restrictions imposed by state law on political subdivisions should be imposed on existing public corporations that are authorized to continue as public corporations.

(b) The requirements or restrictions under paragraph (a), clause (3), may relate to the powers and limitations of the public corporations, including, but not limited to, the applicability of laws such as those relating to open meetings, data practices, contracting, compensation of employees and officers, budgeting, auditing, tort liability, debt limitations, investments, and conflicts of interests.

(c) By December 31, 1999, the task force shall report to the chairs of the house and senate committees with jurisdiction over local government issues. The report must include proposed legislation to implement the task force's recommendations.

Subd. 2. [MEMBERS.] (a) The task force consists of 11 voting members, appointed as follows:

(1) two state representatives, one appointed by the speaker of the house, and one appointed by the minority caucus leader;

(2) two state senators, appointed by the subcommittee on committees of the committee on rules and administration, at least one of whom must be a member of the minority caucus;

(3) two representatives of cities, appointed by the league of Minnesota cities, one of whom must be a representative of an existing corporation created by a city;

(4) two representatives of counties, appointed by the association of Minnesota counties, one of whom must be a representative of an existing corporation created by a county;

(5) two representatives of school districts, appointed by the Minnesota school boards association, one of whom must be a representative of an existing corporation created by a school district; and

(6) the state auditor or her designee.

(b) In addition, the attorney general or his designee and the secretary of state or her designee shall serve on the task force ex officio as nonvoting members. Members must be appointed as soon as practicable after the effective date of this section. Vacancies and removal of members is governed by Minnesota Statutes, section 15.059, subdivision 4.

(c) The state auditor shall convene the first meeting of the task force as soon as practicable after the members are appointed, but no later than September 1, 1999, at which time the task force shall elect its chair or co-chairs.

Subd. 3. [STAFF AND ADMINISTRATIVE ASSISTANCE.] Legislative staff shall provide staff and administrative assistance to the task force.

Subd. 4. [EXPIRATION.] This section expires June 30, 2000.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to local government; delaying the expiration of an applicability provision relating to restrictions on corporations created by political subdivisions; establishing a task force to make determinations and propose legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a."

We request adoption of this report and repassage of the bill.

Senate Conferees: JIM VICKERMAN, STEVE KELLEY AND DENNIS R. FREDERICKSON.

House Conferees: ANN H. REST, RON ABRAMS AND ELAINE HARDER.

Rest moved that the report of the Conference Committee on S. F. No. 851 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 851, A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Daggett	Erhardt	Gray	Hasskamp
Abrams	Broecker	Davids	Erickson	Greenfield	Hausman
Anderson, B.	Buesgens	Dawkins	Finseth	Greiling	Hilty
Anderson, I.	Carlson	Dehler	Folliard	Gunther	Holberg
Bakk	Carruthers	Dempsey	Fuller	Haake	Holsten
Biernat	Cassell	Dorman	Gerlach	Haas	Howes
Bishop	Chaudhary	Dorn	Gleason	Hackbarth	Huntley
Boudreau	Clark, J.	Entenza	Goodno	Harder	Jaros

Jennings	Leighton	Molnau	Paulsen	Seifert, M.	Van Dellen
Johnson	Lenczewski	Mulder	Pawlenty	Skoglund	Vanderveer
Juhnke	Leppik	Mullery	Paymar	Smith	Wagenius
Kahn	Lieder	Munger	Pelowski	Solberg	Wejzman
Kalis	Lindner	Murphy	Peterson	Stanek	Wenzel
Kelliher	Luther	Ness	Pugh	Stang	Westerberg
Kielkucki	Mahoney	Nornes	Rest	Storm	Westfall
Knoblach	Mares	Olson	Reuter	Swenson	Westrom
Koskinen	Mariani	Opatz	Rhodes	Sykora	Wilkin
Krinkie	Marko	Orfield	Rifenberg	Tingelstad	Winter
Kubly	McCollum	Osskopp	Rostberg	Tomassoni	Wolf
Kuisle	McElroy	Osthoff	Rukavina	Trimble	Workman
Larsen, P.	McGuire	Otremba	Schumacher	Tuma	Spk. Sviggum
Larsen, D.	Milbert	Ozment	Seifert, J.	Tunheim	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2044.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2044

A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2044, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2044 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 340A.410, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) Except as otherwise provided in this subdivision, no retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein ~~except as provided in this subdivision~~.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized by (1) chapter 349, (2) a tribal ordinance in conformity with the Indian Gaming Regulatory Act, Public Law Number 100-497, or (3) a tribal-state compact authorized under section 3.9221.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

(d) Dice may be kept and used on licensed premises and adjoining rooms as authorized by section 609.761, subdivision 4.

Sec. 2. Minnesota Statutes 1998, section 609.761, is amended by adding a subdivision to read:

Subd. 4. [SOCIAL DICE GAMES.] Sections 609.755 and 609.76 do not prohibit dice games conducted on the premises and adjoining rooms of a retail establishment licensed to sell alcoholic beverages if the following requirements are satisfied:

(1) the games consist of board games played with dice or commonly known dice games such as "shake-a-day," "3-2-1," "who buys," "last chance," "liar's poker," "6-5-4," "horse," and "aces";

(2) wagers or prizes for the games are limited to food or beverages; and

(3) the retail establishment does not organize or participate financially in the games.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

We request adoption of this report and repassage of the bill.

Senate Conferees: JIM VICKERMAN, STEVE KELLEY AND PAT PARISEAU.

House Conferees: STEVE DEHLER, TONY KIELKUCKI AND DAVID TOMASSONI.

Dehler moved that the report of the Conference Committee on S. F. No. 2044 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2044, A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 91 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abrams	Biernat	Bradley	Cassell	Dawkins	Dorman
Anderson, I.	Bishop	Buesgens	Clark, J.	Dehler	Dorn
Bakk	Boudreau	Carlson	Daggett	Dempsey	Entenza

Erickson	Holsten	Lenczewski	Opatz	Solberg	Wenzel
Finseth	Howes	Lieder	Osskopp	Stang	Westerberg
Fuller	Jaros	Mares	Otremba	Storm	Westrom
Gerlach	Jennings	Mariani	Paulsen	Swenson	Wilkin
Gleason	Juhnke	Marko	Peterson	Sykora	Winter
Gunther	Kahn	McElroy	Pugh	Tingelstad	Wolf
Haake	Kalis	McGuire	Rest	Tomassoni	Workman
Haas	Kielkucki	Milbert	Reuter	Trimble	Spk. Sviggum
Hackbarth	Knoblach	Mulder	Rhodes	Tuma	
Harder	Krinkie	Mullery	Rostberg	Tunheim	
Hasskamp	Kuisle	Murphy	Rukavina	Van Dellen	
Hilty	Larson, D.	Ness	Schumacher	Vandever	
Holberg	Leighton	Nornes	Seifert, M.	Wejcman	

Those who voted in the negative were:

Abeler	Folliard	Johnson	Luther	Osthoff	Skoglund
Anderson, B.	Goodno	Kelliher	Mahoney	Ozment	Smith
Broecker	Gray	Koskinen	McCollum	Pawlenty	Stanek
Carruthers	Greenfield	Kubly	Molnau	Paymar	Wagenius
Chaudhary	Greiling	Larsen, P.	Munger	Pelowski	Westfall
Davids	Hausman	Leppik	Olson	Rifenberg	
Erhardt	Huntley	Lindner	Orfield	Seifert, J.	

The bill was repassed, as amended by Conference, and its title agreed to.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 726

A bill for an act relating to capital improvements; providing standards for state assistance to capital improvement projects of political subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16A.

May 10, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 726, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 726 be further amended as follows:

Page 1, delete subdivision 2 and insert:

"Subd. 2. [BUDGET REQUEST.] A political subdivision that requests an appropriation of state money for a local capital improvement project is encouraged to submit a preliminary request to the commissioner of finance by June 15 of an odd-numbered year to ensure its full consideration. The final request must be submitted by November 1. The

requests must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be forwarded to the legislature, along with agency requests, by the deadline established in section 16A.11, subdivision 1."

Page 2, delete lines 12 to 14

Renumber the clauses in sequence

Pages 2 and 3, delete subdivision 4 and insert:

"Subd. 4. [FUNDING.] (a) The state share of a project covered by this section must be no more than half the total cost of the project, including predesign, design, construction, furnishings, and equipment, except as provided in paragraph (b). This subdivision does not apply to a project proposed by a school district or other school organization.

(b) The state share may be more than half the total cost of a project if the project is deemed needed as a result of a disaster or to prevent a disaster or is located in a political subdivision with a very low average net tax capacity.

(c) Nothing in this section prevents the governor from recommending, or the legislature from considering or funding, projects that do not meet the deadlines in subdivision 2 or the criteria in this subdivision or subdivision 3 when the governor or the legislature determines that there is a compelling reason for the recommendation or funding.

Sec. 2. [REQUESTS SUBMITTED IN 1999.]

Notwithstanding Minnesota Statutes, section 16A.86, subdivision 2, a preliminary request from a political subdivision under that subdivision in 1999 need not be submitted until September 15, 1999."

We request adoption of this report and repassage of the bill.

House Conferees: JIM KNOBLACH, RAY VANDEVEER AND HENRY J. KALIS.

Senate Conferees: RICHARD J. COHEN, DEANNA L. WIENER AND GARY W. LAIDIG.

Knoblach moved that the report of the Conference Committee on H. F. No. 726 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 726, A bill for an act relating to capital improvements; providing standards for state assistance to capital improvement projects of political subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeler	Broecker	Dehler	Folliard	Haake	Huntley
Abrams	Buesgens	Dempsey	Fuller	Haas	Jennings
Anderson, B.	Carlson	Dorman	Gerlach	Hackbarth	Juhnke
Biernat	Cassell	Dorn	Gleason	Harder	Kalis
Bishop	Clark, J.	Erhardt	Goodno	Holberg	Kelliher
Boudreau	Daggett	Erickson	Greiling	Holsten	Kielkucki
Bradley	Davids	Finseth	Gunther	Howes	Knoblach

Koskinen	Mahoney	Nornes	Rest	Stang	Westrom
Krinkie	Mares	Olson	Reuter	Storm	Wilkin
Kubly	Marko	Opatz	Rhodes	Swenson	Wolf
Kuisle	McCollum	Osskopp	Rifenberg	Sykora	Workman
Larsen, P.	McElroy	Otremba	Rostberg	Tingelstad	Spk. Sviggum
Larsen, D.	McGuire	Ozment	Schumacher	Tuma	
Lenczewski	Molnau	Paulsen	Seifert, J.	Van Dellen	
Leppik	Mulder	Pawlenty	Seifert, M.	Vandever	
Lindner	Munger	Pelowski	Smith	Wenzel	
Luther	Ness	Peterson	Stanek	Westerberg	

Those who voted in the negative were:

Anderson, I.	Gray	Johnson	Mullery	Rukavina	Wagenius
Bakk	Greenfield	Kahn	Murphy	Skoglund	Wejcman
Carruthers	Hasskamp	Leighton	Orfield	Solberg	Westfall
Chaudhary	Hausman	Lieder	Osthoff	Tomassoni	Winter
Dawkins	Hilty	Mariani	Paymar	Trimble	
Entenza	Jaros	Milbert	Pugh	Tunheim	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 516:

Knoblach; Seifert, M., and Wenzel.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Peterson was excused between the hours of 11:15 a.m. and 11:55 a.m.

CALENDAR FOR THE DAY

S. F. No. 1721 was reported to the House.

Gleason and Krinkie moved to amend S. F. No. 1721, the unofficial engrossment, as follows:

Page 2, line 28, after the period, insert "However, the current incumbent's salary is \$130,000 from July 1, 1999 to July 31, 2000."

A roll call was requested and properly seconded.

The question was taken on the Gleason and Krinkie amendment and the roll was called. There were 37 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Abrams	Gray	Kubly	McCollum	Reuter	Wilkin
Bakk	Greiling	Larson, D.	McGuire	Skoglund	Winter
Biernat	Haake	Leighton	Mullery	Vandever	
Buesgens	Hausman	Lenczewski	Olson	Wagenius	
Dawkins	Jaros	Lindner	Orfield	Wejzman	
Gerlach	Kahn	Mahoney	Osskopp	Westerberg	
Gleason	Krinkie	Marko	Osthoff	Westrom	

Those who voted in the negative were:

Abeler	Dorman	Holberg	Luther	Paymar	Swenson
Anderson, B.	Dorn	Holsten	Mares	Pelowski	Sykora
Anderson, I.	Entenza	Howes	Mariani	Pugh	Tingelstad
Bishop	Erhardt	Huntley	McElroy	Rest	Tomassoni
Boudreau	Erickson	Jennings	Milbert	Rhodes	Tuma
Bradley	Finseth	Johnson	Molnau	Rifenberg	Tunheim
Broecker	Folliard	Juhnke	Mulder	Rostberg	Van Dellen
Carlson	Fuller	Kalis	Munger	Rukavina	Wenzel
Carruthers	Goodno	Kelliher	Murphy	Schumacher	Westfall
Cassell	Greenfield	Kielkucki	Ness	Seifert, J.	Wolf
Chaudhary	Gunther	Knoblach	Nornes	Seifert, M.	Workman
Clark, J.	Haas	Koskinen	Opatz	Smith	Spk. Sviggum
Daggett	Hackbarth	Kuisele	Otremba	Solberg	
Davids	Harder	Larsen, P.	Ozment	Stanek	
Dehler	Hasskamp	Leppik	Paulsen	Stang	
Dempsey	Hilty	Lieder	Pawlenty	Storm	

The motion did not prevail and the amendment was not adopted.

S. F. No. 1721, A bill for an act relating to public employees; ratifying certain labor agreements and compensation plans; providing for transfer of vacation and sick leave for certain employees; modifying per diem provision for special mediators; modifying procedures for the listing of arbitrators; exempting epidemiologists from a salary cap; making technical changes; amending Minnesota Statutes 1998, sections 3.096; 43A.17, subdivision 4; 179.02, subdivision 2; 179A.03, subdivision 14; 179A.04, subdivision 3; 179A.10, subdivision 1; and 179A.16, subdivision 2; repealing Minnesota Statutes 1998, section 43A.17, subdivision 12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Howes	Luther	Pawlenty	Tingelstad
Abrams	Erhardt	Huntley	Mares	Paymar	Tomassoni
Anderson, I.	Erickson	Jaros	Mariani	Pelowski	Trimble
Bakk	Finseth	Jennings	Marko	Pugh	Tuma
Biernat	Folliard	Johnson	McElroy	Rest	Tunheim
Bishop	Fuller	Juhnke	McGuire	Rhodes	Van Dellen
Boudreau	Gleason	Kahn	Milbert	Rifenberg	Vandever
Bradley	Goodno	Kalis	Molnau	Rostberg	Wagenius
Broecker	Gray	Kelliher	Mulder	Rukavina	Wejcman
Carlson	Greenfield	Kielkucki	Mullery	Schumacher	Wenzel
Carruthers	Greiling	Knoblach	Munger	Seifert, J.	Westfall
Cassell	Gunther	Koskinen	Murphy	Seifert, M.	Westrom
Chaudhary	Haake	Kubly	Ness	Skoglund	Winter
Clark, J.	Haas	Kuisle	Nornes	Smith	Wolf
Daggett	Hackbarth	Larsen, P.	Opatz	Solberg	Workman
Davids	Harder	Larson, D.	Orfield	Stanek	Spk. Sviggum
Dehler	Hasskamp	Leighton	Osthoff	Stang	
Dempsey	Hilty	Lenczewski	Otremba	Storm	
Dorman	Holberg	Leppik	Ozment	Swenson	
Dorn	Holsten	Lieder	Paulsen	Sykora	

Those who voted in the negative were:

Anderson, B.	Gerlach	Lindner	Olson	Westerberg
Buesgens	Hausman	Mahoney	Osskopp	Wilkin
Dawkins	Krinkie	McCollum	Reuter	

The bill was passed and its title agreed to.

S. F. No. 1762 was reported to the House.

Workman moved to amend S. F. No. 1762 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1551, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 16C.05, subdivision 2, is amended to read:

Subd. 2. [CREATION AND VALIDITY OF CONTRACTS.] (a) A contract is not valid and the state is not bound by it unless:

- (1) it has first been executed by the head of the agency or a delegate who is a party to the contract;
- (2) it has been approved by the commissioner;
- (3) it has been approved by the attorney general or a delegate as to form and execution;

(4) the accounting system shows an obligation in an expense budget or encumbrance for the amount of the contract liability; and

(5) the combined contract and amendments shall not exceed five years; without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years unless the commissioner determines that a longer duration is in the best interest of the state.

(b) Grants, interagency agreements, purchase orders, and annual plans need not, in the discretion of the commissioner and attorney general, require the signature of the commissioner and/or the attorney general.

(c) A fully executed copy of every contract must be kept on file at the contracting agency.

Sec. 2. Minnesota Statutes 1998, section 16C.09, is amended to read:

16C.09 [PROCEDURE FOR SERVICE CONTRACTS.]

(a) Before entering into or approving a service contract, the commissioner must determine, at least, that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;

(3) the contract will not establish an employment relationship between the state or the agency and any persons performing under the contract;

(4) the contractor and agents are not employees of the state;

(5) the contracting agency has specified a satisfactory method of evaluating and using the results of the work to be performed; and

(6) the combined contract and amendments will not exceed five years; without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

(b) For purposes of paragraph (a), clause (1), employees are available if qualified and:

(i) (1) are already doing the work in question; or

(ii) (2) are on layoff status in classes that can do the work in question.

An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question.

Sec. 3. Minnesota Statutes 1998, section 160.085, subdivision 1, is amended to read:

Subdivision 1. [RECORDING MAP OR PLAT; CERTIFICATION.] (a) In order to facilitate the acquisition of right-of-way required for highways, state and county road authorities may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, such orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition.

(b) The map or plat, as to trunk highways, shall be certified by the commissioner of transportation or the commissioner's designated assistant and ~~any~~ by a licensed land surveyor in the employ of the state as to trunk highways.

(c) The map or plat shall be certified as to county state-aid highways and county highways by the chair of the county board or the county engineer or the engineer's designated assistant, and by a licensed land surveyor in the employ of the county.

(d) The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Neither a witness nor an acknowledgment is required for a map or plat certified under this subdivision. Any amendments, alterations, corrections, rescissions or vacations of such orders, resolutions, maps or plats so filed shall be entitled to record in like manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, correction, rescission or vacation to direct the attention of anyone examining the record to the proper map or plat.

Sec. 4. Minnesota Statutes 1998, section 160.085, subdivision 1a, is amended to read:

Subd. 1a. [AMENDING RECORDED MAP OR PLAT.] If an error on a map or plat incorrectly defines the intended acquisition, but does not affect any rights of interest to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate shall be signed by a licensed land surveyor ~~in the employ of the state or county~~. The certificate shall be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When so filed the certificate shall amend the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

Sec. 5. Minnesota Statutes 1998, section 161.04, subdivision 3, is amended to read:

Subd. 3. [TRUNK HIGHWAY REVOLVING LOAN ACCOUNT.] A trunk highway revolving loan account is created in the ~~trunk highway fund~~ transportation revolving loan fund under section 446A.085. The commissioner may transfer money from the trunk highway fund to the trunk highway revolving loan account. Money in the account may be used to make loans. Funds in the trunk highway revolving loan account may not be used for any toll facilities project or congestion-pricing project and may be used only for trunk highway purposes and repayments and interest from loans of those funds must be credited to the trunk highway revolving loan account in the ~~trunk highway~~ transportation revolving loan fund. Money in the trunk highway revolving loan account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the trunk highway revolving loan account.

Sec. 6. Minnesota Statutes 1998, section 161.04, is amended by adding a subdivision to read:

Subd. 4. [LOANS FOR TRUNK HIGHWAY PROJECTS.] Loans from the transportation revolving loan fund to the commissioner for trunk highway projects must be deposited in the trunk highway fund. Loan proceeds are appropriated annually to the commissioner and do not lapse. Principal and interest payments on the loan proceeds must be paid from the debt service account and are considered a long-term obligation of the trunk highway fund.

Sec. 7. Minnesota Statutes 1998, section 161.115, subdivision 164, is amended to read:

Subd. 164. [ROUTE NO. 233.] Beginning at a point in Section 35, Township 135 North, Range ~~26~~ 28 West; thence extending in a general southerly direction to a point on Route No. 18 at or near Brainerd.

Sec. 8. Minnesota Statutes 1998, section 161.16, subdivision 2, is amended to read:

Subd. 2. [DESIGNATION AND LOCATION BY ORDER.] The commissioner shall by order or orders designate such temporary trunk highways, and on determining the definite location of any trunk highway or portion thereof, the same shall also be designated by order or orders. The definite location of such highway or portion thereof may

be in the form of a map or plat showing the lands and interests in lands required for trunk highway purposes. Formal determination or order if by map or plat, shall be certified by the commissioner of transportation on said map or plat. The commissioner may, by similar order or orders, change the definite location of any trunk highway between the fixed termini, as fixed by law, when such changes are necessary in the interest of safety and convenient public travel. The commissioner shall ~~file certified copies of such orders with the county auditor of the county wherein such highways are located. Such certified copies shall become~~ maintain a file of these orders as permanent records and shall not be removed from the office or offices wherein filed.

Sec. 9. Minnesota Statutes 1998, section 161.32, subdivision 2, is amended to read:

Subd. 2. [DIRECT NEGOTIATION.] In cases where the estimated cost of construction work or maintenance work does not exceed ~~\$75,000~~ \$150,000, the commissioner may enter into a contract for the work by direct negotiation, by obtaining two or more quotations for the work, and without advertising for bids or otherwise complying with the requirements of competitive bidding if the total contractual obligation of the state for the directly negotiated contract or contracts on any single project does not exceed ~~\$75,000~~ \$150,000. All quotations obtained shall be kept on file for a period of at least one year after receipt of the quotation.

Sec. 10. Minnesota Statutes 1998, section 162.06, subdivision 1, is amended to read:

Subdivision 1. [ESTIMATE.] ~~On or before the second Tuesday of January~~ By December 15 of each year the commissioner shall estimate the ~~probable sum amount~~ probable sum amount of money that will ~~accrue~~ be available to the county state-aid highway fund during ~~the first six months of each that~~ fiscal year ending June 30. ~~To such estimated amounts the commissioner shall add the sum of money already accrued in the county state-aid highway fund for the last preceding six-month period ending December 31 of each year, adjusted to reflect the amount by which~~ The amount available must be based on actual receipts for the preceding January 1 to June 30 were different from estimated receipts from July 1 through November 30, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total ~~of such sums available,~~ except for deductions ~~to be first made~~ as provided herein, shall be apportioned by the commissioner to the ~~several~~ counties as hereinafter provided.

Sec. 11. Minnesota Statutes 1998, section 162.06, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE COSTS OF DEPARTMENT.] ~~From the total of such sums the commissioner shall deduct~~ A sum ~~equal to of~~ 1-1/2 percent of the total sum. ~~The sum so deducted shall be set aside in a separate account and shall be deducted from the total amount available in the county state-aid highway fund, set aside in a separate account, and used for administrative costs incurred by the state transportation department in carrying out the provisions relating to the county state-aid highway system. On the 31st day of December of each year any money remaining in the account not needed for administrative costs shall be transferred to the county state-aid highway fund.~~

Sec. 12. Minnesota Statutes 1998, section 162.06, subdivision 6, is amended to read:

Subd. 6. [COUNTY STATE-AID HIGHWAY REVOLVING LOAN ACCOUNT.] A county state-aid highway revolving loan account is created in the ~~county state-aid highway transportation revolving loan~~ fund. The commissioner may transfer to the account the amount allocated under section 162.065. Money in the account may be used to make loans. Funds in the county state-aid highway revolving loan account may be used only for aid in the construction, improvement, and maintenance of county state-aid highways. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the county state-aid highway revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the county state-aid highway revolving loan account.

Sec. 13. Minnesota Statutes 1998, section 162.12, subdivision 1, is amended to read:

Subdivision 1. [ESTIMATE OF ACCRUALS.] ~~On or before the second Tuesday of January~~ By December 15 of each year the commissioner shall estimate the ~~probable sum amount~~ probable sum amount of money that will ~~accrue~~ be available to the municipal state-aid street fund during ~~the first six months of each year ending June 30~~ that fiscal year. ~~To the~~

~~estimated amount the commissioner shall add the sum of money already accrued in the municipal state-aid street fund for the last preceding six-month period ending December 31, adjusted to reflect the amount by which The amount available is based on actual receipts for the preceding January 1 to June 30 were different from estimated receipts from July 1 through November 30, the unallocated fund balance, and the projected receipts for the remainder of the fiscal year. The total of such sums available, except for deductions to be first made as provided herein, shall be apportioned by the commissioner to the cities having a population of 5,000 or more as hereinafter provided.~~

Sec. 14. Minnesota Statutes 1998, section 162.12, subdivision 2, is amended to read:

~~Subd. 2. [ADMINISTRATIVE COSTS OF DEPARTMENT.] From the total of such sums the commissioner, each year, shall deduct A sum of money equal to one and one-half 1-1/2 percent of the total sums. The sum so shall be deducted shall be from the total available in the municipal state-aid street fund, set aside in a separate account, and shall be used for administration costs incurred by the state transportation department in carrying out the provisions relating to the municipal state-aid street system. On the 31st day of December of each year, any money remaining in the account not needed for administrative costs shall be transferred to the municipal state-aid street fund.~~

Sec. 15. Minnesota Statutes 1998, section 162.12, subdivision 5, is amended to read:

~~Subd. 5. [MUNICIPAL STATE-AID STREET REVOLVING LOAN ACCOUNT.] A municipal state-aid street revolving loan account is created in the municipal state-aid street transportation revolving loan fund. The commissioner may transfer to the account the amount allocated under section 162.125. Money in the account may be used to make loans. Funds in the municipal state-aid street revolving loan account may be used only for aid in the construction, improvement, and maintenance of municipal state-aid streets. Funds in the account may not be used for any toll facilities project or congestion-pricing project. Repayments and interest from loans from the municipal state-aid street revolving loan account must be credited to that account. Money in the account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the municipal state-aid street revolving loan account.~~

Sec. 16. Minnesota Statutes 1998, section 169.87, subdivision 2, is amended to read:

~~Subd. 2. [SEASONAL LOAD RESTRICTIONS.] Except for portland cement concrete roads, from March 20 to May 15 of between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed five tons on a county or highway, town road, or city street that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 169.825 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.~~

Sec. 17. Minnesota Statutes 1998, section 174.02, is amended by adding a subdivision to read:

~~Subd. 7. [LOANS TO COMMISSIONER.] The commissioner of transportation may apply for and receive loans, as defined in section 446A.085, subdivision 1, paragraph (d), from the transportation revolving loan fund created in section 446A.085, and may enter into agreements for the repayments of the loans.~~

Sec. 18. Minnesota Statutes 1998, section 174.50, subdivision 5, is amended to read:

~~Subd. 5. [CERTIFICATION AND DISBURSAL FOR PROJECT OF POLITICAL SUBDIVISION.] Before disbursement of an appropriation made from the fund to the commissioner of transportation for grants to subdivisions of the state, the commissioner shall certify to the commissioner of finance:~~

~~(1) that the project for which the grant is made has been reviewed as provided in subdivision 4;~~

~~(2) that the project conforms to the program authorized by the appropriation law and rules adopted by the department of transportation consistent therewith; and~~

(3) that the financing of any estimated cost of the project in excess of the amount of the grant is assured by the appropriation of the proceeds of bonds or other funds of the subdivision, or by a grant from an agency of the federal government, within the amount of funds then appropriated to that agency and allocated by it to projects within the state, and by an irrevocable undertaking, in a resolution of the governing body of the subdivision, to use all funds so made available exclusively for the project, and to pay any additional amount by which the cost exceeds the estimate through appropriation to the construction fund of additional funds or the proceeds of additional bonds to be issued by the subdivision.

Sec. 19. Minnesota Statutes 1998, section 221.0314, subdivision 9a, is amended to read:

Subd. 9a. [HOURS OF SERVICE EXEMPTIONS.] The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to ~~March~~ May 15 of each year;

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies.

Sec. 20. Minnesota Statutes 1998, section 221.033, is amended by adding a subdivision to read:

Subd. 2c. [AGE OF PETROLEUM TANK TRUCK DRIVER.] A driver of a motorized tank truck vehicle having a capacity of less than 3,500 gallons, who is engaged in the intrastate transportation of petroleum products, must be at least 18 years of age.

Sec. 21. Minnesota Statutes 1998, section 222.63, subdivision 4, is amended to read:

Subd. 4. [DISPOSITION PERMITTED.] (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than 50 feet.

Proceeds from a sale shall be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 22. Minnesota Statutes 1998, section 360.0151, subdivision 2, is amended to read:

Subd. 2. [GRANTS AUTHORIZED.] (a) The commissioner may make air service marketing grants to political subdivisions that own and operate airports ~~designated by order of the commissioner as key airports~~. The commissioner shall make a project agreement with each political subdivision receiving a grant under this section that provides for:

- (1) a detailed description of the project for which the grant is provided;
- (2) a schedule of the project; and
- (3) the division of costs of the project between the state and the recipient.

(b) Payments by the commissioner under a project agreement may only be made to reimburse local costs already incurred.

Sec. 23. Minnesota Statutes 1998, section 360.032, subdivision 1a, is amended to read:

Subd. 1a. [MUNICIPALITY MAY ACQUIRE OR MOVE AIRPORT PROPERTY; REIMBURSEMENT.] A municipality may exercise the powers set forth in this subdivision solely for the purpose of assisting the relocation of air navigation facilities, structures, and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality.

A municipality may acquire air navigation facilities, structures and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality. In lieu of such acquisition, the municipality may move and relocate such property to another public airport. The manner of acquisition of such property shall be in accordance with subdivision 2. The municipality may expend its funds to pay for the costs of such acquisition, moving and relocation. The commissioner may pay a portion of such acquisition, moving and relocation costs in accordance with the provisions of section 360.305, subdivision 4, ~~clause (2) paragraph (b) or (c)~~.

Sec. 24. Minnesota Statutes 1998, section 360.305, subdivision 4, is amended to read:

Subd. 4. [COSTS ALLOCATED; LOCAL CONTRIBUTION; HANGAR CONSTRUCTION REVOLVING ACCOUNT.] (†) (a) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, ~~these costs are referred to as project costs of the airport~~, in connection with which the assistance of the state is sought. These costs are referred to as project costs.

~~(2)~~ (b) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- ~~(a)~~ (1) the project costs,
- ~~(b)~~ (2) acquisition costs of the land and clear zones, which are referred to as "acquisition costs."

(c) For any airport where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum of the project costs and acquisition costs.

~~(3)~~ (d) The commissioner may pay the total cost of radio and navigational aids.

~~(4)~~ (e) Notwithstanding ~~clause (2) paragraph (b) or (c)~~, the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

~~(5)~~ (f) Notwithstanding ~~clause (2) paragraph (b) or (c)~~, the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this ~~clause paragraph~~ exceed five percent of the amount appropriated for construction grants.

~~(6)~~ (g) To receive aid under this section for project costs or for acquisition costs, the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public;

(1) for a period of 20 years after the date that the any state funds for project costs are received by the municipality; and

(2) for 99 years after the date that any state funds for acquisition costs are received by the municipality.

The agreement may contain other conditions as the commissioner deems reasonable.

~~(7)~~ (h) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design. The commissioner shall transfer up to \$4,100,000 from the state airports fund to the hangar construction revolving account.

~~(8)~~ (i) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in ~~clause (6) paragraph (g)~~.

~~(9)~~ (j) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971.

Sec. 25. Minnesota Statutes 1998, section 446A.085, subdivision 3, is amended to read:

Subd. 3. [ESTABLISHMENT OF FUND.] A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects. A transit account is established in the fund for transit capital projects. The transportation revolving loan fund shall receive federal money under the act and money from any source ~~other than the trunk highway fund, the county state-aid highway fund, and the municipal state-aid street fund~~. Money received under this section must be paid to the state treasurer and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the commissioner and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

Sec. 26. Minnesota Statutes 1998, section 446A.085, subdivision 6, is amended to read:

Subd. 6. [TRANSPORTATION COMMITTEE.] The transportation committee may ~~make~~ authorize the making of loans to borrowers by the authority for transportation purposes authorized by the act, without further action by the authority. The authority may not make loans for transportation purposes without the approval of the transportation committee. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee.

Sec. 27. Minnesota Statutes 1998, section 466.03, is amended by adding a subdivision to read:

Subd. 19. [USE OF LAND HELD UNDER SECTION 473.167.] Any claim based on the condition, use, or maintenance of land acquired and held by the municipality under section 473.167. Nothing in this subdivision limits the liability of a municipality for conduct that would entitle a trespasser to damages against a private person.

Sec. 28. Minnesota Statutes 1998, section 473.1466, is amended to read:

473.1466 [PERFORMANCE AUDIT; TRANSIT EVALUATION.]

(a) In 1997 and every four years thereafter, the council shall provide for an independent entity selected through a request for proposal process conducted nationwide to do a performance audit of the commuting area's transportation system as a whole. The performance audit must evaluate the commuting area's ability to meet the region's needs for effective and efficient transportation of goods and people, evaluate future trends and their impacts on the region's transportation system, and make recommendations for improving the system. The performance audit must recommend performance-funding measures.

(b) In ~~1997~~ 1999 and every ~~two~~ four years thereafter, the council must evaluate the performance of the metropolitan transit system's operation in relationship to the regional transit performance standards developed by the council.

Sec. 29. [REPEALER.]

Minnesota Statutes 1998, section 169.832, subdivision 13, is repealed.

Sec. 30. [EFFECTIVE DATES.]

Sections 1, 2, 7, 8, and 20, are effective the day following final enactment. Sections 3 to 6, 9, 12, 15, 17, and 22 to 26, are effective July 1, 1999."

Delete the title and insert:

"A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; modifying provision requiring certification for disbursement from state transportation fund; modifying seasonal load restrictions on certain roadways; modifying hours of service exemption for transporting sugar beets; requiring petroleum tank truck driver to be at least 18 years old; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; restricting liability related to land acquired by municipality for highway purposes; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 221.033, by adding a subdivision; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 446A.085, subdivisions 3 and 6; 466.03, by adding a subdivision; and 473.1466; repealing Minnesota Statutes 1998, section 169.832, subdivision 13."

The motion prevailed and the amendment was adopted.

Gleason offered an amendment to S. F. No. 1762, as amended.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.21 that the Gleason amendment was not in order. The Speaker ruled the point of order well taken and the Gleason amendment out of order.

McGuire, Fuller and Tuma moved to amend S. F. No. 1762, as amended, as follows:

Page 9, after line 20, insert:

"Sec. 16. Minnesota Statutes 1998, section 169.685, subdivision 4, is amended to read:

Subd. 4. [ADMISSIBILITY INTO EVIDENCE.] (a) Except as provided in paragraph (b), proof of the use or failure to use seat belts or a child passenger restraint system as described in subdivision 5, or proof of the installation or failure of installation of seat belts or a child passenger restraint system as described in subdivision 5 shall not be admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any motor vehicle.

(b) Paragraph (a) does not affect the right of a person to bring an action for damages arising out of an incident that involves a defectively designed, manufactured, installed, or operating seat belt or child passenger restraint system. Paragraph (a) does not prohibit the introduction of evidence pertaining to the use of a seat belt or child passenger restraint system in an action described in this paragraph."

Page 16, line 32, after the period, insert "Section 16 is effective the day following final enactment and applies to actions pending on or commenced on or after the effective date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Workman moved to amend S. F. No. 1762, as amended, as follows:

Page 16, line 28, delete "section" and insert "sections"

Page 16, line 29, delete "is" and insert "and 169.974, subdivision 6, are"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Dehler to the Chair.

S. F. No. 1762, A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation

revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; authorizing commissioner of transportation to determine dates for seasonal load restrictions; modifying provision requiring certification for disbursement from state transportation fund; requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; establishing design approval process for commuter rail; creating commuter rail corridor coordinating committee; changing period of hours of service exemption for drivers transporting sugar beets; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; limiting powers and duties of counties with respect to light rail and commuter rail transit planning; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; establishing priority order for light rail transit construction; requiring metropolitan council to develop regional master plan for transit; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 398A.04, subdivision 2; 446A.085, subdivisions 3 and 6; 473.1466; 473.399; 473.3993, subdivision 3; and 473.3994, subdivisions 3, 4, and 10; Laws 1998, chapter 404, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Luther	Ozment	Storm
Abrams	Dorn	Holsten	Mahoney	Paulsen	Swenson
Anderson, B.	Entenza	Howes	Mares	Pawlenty	Sykora
Anderson, I.	Erhardt	Huntley	Mariani	Paymar	Tingelstad
Bakk	Erickson	Jaros	Marko	Pelowski	Tomassoni
Biernat	Finseth	Jennings	McCollum	Peterson	Trimble
Bishop	Fuller	Johnson	McElroy	Pugh	Tuma
Boudreau	Gerlach	Juhnke	McGuire	Rest	Tunheim
Bradley	Gleason	Kalis	Milbert	Reuter	Van Dellen
Broecker	Goodno	Kielkucki	Molnau	Rhodes	Vandever
Buesgens	Gray	Knoblach	Mulder	Rifenberg	Wenzel
Carlson	Greenfield	Koskinen	Mullery	Rostberg	Westerberg
Carruthers	Greiling	Kubly	Munger	Rukavina	Westfall
Cassell	Gunther	Kuisle	Murphy	Schumacher	Westrom
Chaudhary	Haake	Larsen, P.	Ness	Seifert, J.	Wilkin
Clark, J.	Haas	Larson, D.	Nornes	Seifert, M.	Winter
Daggett	Hackbarth	Leighton	Olson	Skoglund	Wolf
Davids	Harder	Lenczewski	Opatz	Smith	Workman
Dawkins	Hasskamp	Leppik	Osskopp	Solberg	Spk. Sviggum
Dehler	Hausman	Lieder	Osthoff	Stanek	
Dempsey	Hilty	Lindner	Otremba	Stang	

Those who voted in the negative were:

Folliard	Kahn	Kelliher	Orfield	Wagenius	Wejman
----------	------	----------	---------	----------	--------

The bill was passed, as amended, and its title agreed to.

S. F. No. 891, A bill for an act relating to municipalities; clarifying an exception to tort liability; amending Minnesota Statutes 1998, section 466.03, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Tomassoni
Abrams	Entenza	Huntley	Mares	Pelowski	Trimble
Anderson, B.	Erhardt	Jaros	Marko	Peterson	Tuma
Anderson, I.	Erickson	Jennings	McCollum	Pugh	Tunheim
Bakk	Finseth	Johnson	McElroy	Rest	Van Dellen
Biernat	Folliard	Juhnke	McGuire	Reuter	Vandevveer
Bishop	Fuller	Kahn	Milbert	Rhodes	Wagenius
Boudreau	Gerlach	Kalis	Molnau	Rifenberg	Wejcman
Bradley	Gleason	Kelliher	Mulder	Rostberg	Wenzel
Broecker	Goodno	Kielkucki	Mullery	Rukavina	Westerberg
Buesgens	Gray	Knoblach	Munger	Schumacher	Westfall
Carlson	Greenfield	Koskinen	Ness	Seifert, J.	Westrom
Carruthers	Greiling	Kubly	Nornes	Seifert, M.	Wilkin
Cassell	Gunther	Kuisle	Olson	Skoglund	Winter
Chaudhary	Haake	Larsen, P.	Opatz	Smith	Wolf
Clark, J.	Haas	Larson, D.	Orfield	Solberg	Workman
Daggett	Hackbarth	Leighton	Osskopp	Stanek	Spk. Sviggum
Davids	Harder	Lenczewski	Osthoff	Stang	
Dawkins	Hasskamp	Leppik	Otremba	Storm	
Dehler	Hausman	Lieder	Ozment	Swenson	
Dempsey	Hilty	Lindner	Paulsen	Sykora	
Dorman	Holberg	Luther	Pawlenty	Tingelstad	

The bill was passed and its title agreed to.

S. F. No. 1002 was reported to the House.

Fuller moved that S. F. No. 1002 be returned to the General Register. The motion prevailed.

H. F. No. 665 was reported to the House.

Solberg; Rukavina; Dehler; Larsen, P.; Broecker; Osskopp; Anderson, I.; Tomassoni and Bakk moved to amend H. F. No. 665, the first engrossment, as follows:

Page 2, after line 17, insert:

"Sec. 3. Minnesota Statutes 1998, section 609.685, subdivision 2, is amended to read:

Subd. 2. [MISDEMEANOR.] (a) Whoever furnishes or sells tobacco or tobacco-related devices to a person under the age of 18 years is guilty of a misdemeanor.

(b) It is an affirmative defense to a charge for sale of tobacco or tobacco-related devices if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

Sec. 4. [REPEALER.]

Minnesota Statutes 1998, section 609.685, subdivision 1a, is repealed.

Page 2, line 18, delete "3" and insert "5"

Page 2, line 20, after the period, insert "Sections 3 and 4 are effective the day following final enactment and apply to crimes committed on or after that date."

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Greenfield raised a point of order pursuant to rule 3.21 that the Solberg et al amendment was not in order. Speaker pro tempore Dehler ruled the point of order not well taken and the Solberg et al amendment in order.

The question recurred on the Solberg et al amendment and the roll was called. There were 88 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Erickson	Jennings	Molnau	Rhodes	Tomassoni
Abrams	Finseth	Juhnke	Mullery	Rifenberg	Trimble
Anderson, B.	Gerlach	Kielkucki	Ness	Rostberg	Tuma
Anderson, I.	Goodno	Knoblach	Nornes	Rukavina	Van Dellen
Bakk	Gunther	Koskinen	Olson	Schumacher	Vandever
Boudreau	Haake	Krinkie	Osskopp	Seagren	Westerberg
Bradley	Haas	Kubly	Osthoff	Seifert, J.	Westfall
Broecker	Hackbarth	Kuisle	Otremba	Seifert, M.	Westrom
Buesgens	Harder	Larsen, P.	Ozment	Smith	Wilkin
Cassell	Hilty	Lindner	Paulsen	Solberg	Winter
Clark, J.	Holberg	Mahoney	Pawlenty	Stanek	Wolf
Daggett	Holsten	Mares	Pelowski	Stang	Workman
Davids	Howes	Marko	Peterson	Swenson	Spk. Sviggum
Dehler	Huntley	McElroy	Pugh	Sykora	
Dorn	Jaros	Milbert	Reuter	Tingelstad	

Those who voted in the negative were:

Biernat	Entenza	Greiling	Larson, D.	McCollum	Rest
Carlson	Erhardt	Hasskamp	Leighton	Mulder	Skoglund
Carruthers	Folliard	Hausman	Lenczewski	Munger	Storm
Chaudhary	Fuller	Johnson	Leppik	Murphy	Tunheim
Dawkins	Gleason	Kahn	Lieder	Opatz	Wagenius
Dempsey	Gray	Kalis	Luther	Orfield	Wejcmán
Dorman	Greenfield	Kelliher	Mariani	Paymar	Wenzel

The motion prevailed and the amendment was adopted.

Wenzel moved that H. F. No. 665, as amended, be returned to the General Register. The motion prevailed.

S. F. No. 1093, A bill for an act relating to civil mediation; providing for the effect of a mediated settlement agreement; amending Minnesota Statutes 1998, section 572.35, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Lindner	Otremba	Stang
Abrams	Entenza	Howes	Luther	Ozment	Storm
Anderson, B.	Erhardt	Huntley	Mahoney	Paulsen	Swenson
Anderson, I.	Erickson	Jaros	Mares	Pawlenty	Sykora
Bakk	Finseth	Jennings	Mariani	Paymar	Tingelstad
Biernat	Folliard	Johnson	Marko	Pelowski	Tomassoni
Bishop	Fuller	Juhnke	McCollum	Peterson	Trimble
Boudreau	Gerlach	Kahn	McElroy	Pugh	Tuma
Bradley	Gleason	Kalis	McGuire	Rest	Tunheim
Broecker	Goodno	Kelliher	Milbert	Reuter	Van Dellen
Buesgens	Gray	Kielkucki	Molnau	Rhodes	Vandever
Carlson	Greenfield	Knoblach	Mulder	Rifenberg	Wagenius
Carruthers	Greiling	Koskinen	Mullery	Rostberg	Wejzman
Cassell	Gunther	Krinkie	Munger	Rukavina	Wenzel
Chaudhary	Haake	Kubly	Murphy	Schumacher	Westerberg
Clark, J.	Haas	Kuisle	Ness	Seagren	Westfall
Daggett	Hackbarth	Larsen, P.	Nornes	Seifert, J.	Westrom
Davids	Harder	Larson, D.	Olson	Seifert, M.	Wilkin
Dawkins	Hasskamp	Leighton	Opatz	Skoglund	Winter
Dehler	Hausman	Lenczewski	Orfield	Smith	Wolf
Dempsey	Hilty	Leppik	Osskopp	Solberg	Workman
Dorman	Holberg	Lieder	Osthoff	Stanek	Spk. Sviggum

The bill was passed and its title agreed to.

S. F. No. 1639, A bill for an act relating to offender rehabilitation; exempting the licensing of certain taxicab drivers from the requirements of chapter 364; amending Minnesota Statutes 1998, section 364.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Daggett	Dempsey
Abrams	Biernat	Broecker	Cassell	Davids	Dorman
Anderson, B.	Bishop	Buesgens	Chaudhary	Dawkins	Dorn
Anderson, I.	Boudreau	Carlson	Clark, J.	Dehler	Entenza

Erhardt	Hilty	Larsen, P.	Mullery	Rest	Tomassoni
Erickson	Holberg	Larson, D.	Munger	Reuter	Trimble
Finseth	Holsten	Leighton	Murphy	Rhodes	Tuma
Folliard	Howes	Lenczewski	Ness	Rifenberg	Tunheim
Fuller	Huntley	Leppik	Nornes	Rostberg	Van Dellen
Gerlach	Jaros	Lieder	Olson	Rukavina	Vandever
Gleason	Jennings	Lindner	Opatz	Schumacher	Wagenius
Goodno	Johnson	Luther	Orfield	Seifert, J.	Wenzel
Gray	Juhnke	Mahoney	Osskopp	Seifert, M.	Westerberg
Greenfield	Kahn	Mares	Osthoff	Skoglund	Westfall
Greiling	Kalis	Mariani	Otremba	Smith	Westrom
Gunther	Kelliher	Marko	Ozment	Solberg	Wilkin
Haake	Kielkucki	McCollum	Paulsen	Stanek	Winter
Haas	Knoblach	McElroy	Pawlenty	Stang	Wolf
Hackbarth	Koskinen	McGuire	Paymar	Storm	Workman
Harder	Krinkie	Milbert	Pelowski	Swenson	Spk. Sviggum
Hasskamp	Kubly	Molnau	Peterson	Sykora	
Hausman	Kuisle	Mulder	Pugh	Tingelstad	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

Anderson, B., was excused for the remainder of today's session.

S. F. No. 1976 was reported to the House.

Kahn moved to amend S. F. No. 1976 as follows:

Page 2, line 4, after "energy" insert ", consistent with chapter 216B."

The motion prevailed and the amendment was adopted.

S. F. No. 1976, A bill for an act relating to municipal electric power; defining city within the meaning of the act; authorizing the Minneapolis park and recreation board to engage in the local distribution and sale of hydroelectric power to protect the natural, historical, ecological, and aesthetic value of the Mississippi river at the Falls of St. Anthony; amending Minnesota Statutes 1998, section 453.52, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Broecker	Cassell	Daggett	Dehler
Abrams	Biernat	Carlson	Chaudhary	Dauids	Dempsey
Anderson, I.	Bishop	Carruthers	Clark, J.	Dawkins	Dorman

Dorn	Hasskamp	Koskinen	McGuire	Peterson	Storm
Entenza	Hausman	Kubly	Milbert	Pugh	Sykora
Erhardt	Hilty	Kuisle	Mulder	Rest	Tomassoni
Finseth	Holsten	Larsen, P.	Mullery	Rhodes	Trimble
Folliard	Howes	Larson, D.	Munger	Rostberg	Tuma
Fuller	Huntley	Leighton	Murphy	Rukavina	Tunheim
Goodno	Jaros	Lenczewski	Opatz	Schumacher	Wagenius
Gray	Jennings	Leppik	Orfield	Seagren	Wejcmán
Greenfield	Johnson	Luther	Osskopp	Seifert, J.	Wenzel
Greiling	Juhnke	Mares	Otremba	Skoglund	Westrom
Gunther	Kahn	Mariani	Ozment	Smith	Winter
Haake	Kalis	Marko	Pawlenty	Solberg	Wolf
Haas	Kelliher	McCollum	Paymar	Stanek	Spk. Sviggum
Harder	Knoblach	McElroy	Pelowski	Stang	

Those who voted in the negative were:

Boudreau	Hackbarth	Mahoney	Osthoff	Swenson	Westfall
Bradley	Holberg	Molnau	Paulsen	Tingelstad	Wilkin
Buesgens	Kielkucki	Ness	Reuter	Van Dellen	Workman
Erickson	Krinkie	Nornes	Rifenberg	Vandever	
Gerlach	Lindner	Olson	Seifert, M.	Westerberg	

The bill was passed, as amended, and its title agreed to.

S. F. No. 486 was reported to the House.

Knoblach moved to amend S. F. No. 486 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 963:

"Section 1. [299F.036] [FIREFIGHTER PREVIOUS EMPLOYMENT INVESTIGATIONS.]

Subdivision 1. [PREVIOUS EMPLOYMENT INVESTIGATIONS AUTHORIZED.] The fire chief or administrative head of a fire department as defined under section 299F.092, subdivision 6, may conduct a previous employment investigation on an applicant for a fire protection service position.

Subd. 2. [DISCLOSURE OF EMPLOYMENT INFORMATION.] (a) Upon request of a fire chief or an administrative head, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1. The request for disclosure of employment information must be in writing, must be accompanied by an original authorization and release signed by the employee or former employee, and must be signed by the fire chief or administrative head conducting the previous employment investigation.

(b) Upon request, the fire chief or administrative head shall disclose to the applicant the information obtained under this subdivision.

Subd. 3. [REFUSAL TO DISCLOSE PERSONNEL RECORD.] If an employer refuses to disclose employment information in accordance with this section, upon request the district court may issue an ex parte order directing the disclosure of the employment information. The request must be made by the fire chief or administrative head conducting the investigation and must include a copy of the original request for disclosure made upon the employer

or former employer and the authorization and release signed by the employee or former employee. The request must be signed by the fire chief or administrative head requesting the order and an attorney representing the state or the political subdivision on whose behalf the investigation is being conducted. It is not necessary for the request or the order to be filed with the court administrator. Failure to comply with the court order subjects the person who fails to comply to civil or criminal contempt of court.

Subd. 4. [IMMUNITY FROM LIABILITY.] In the absence of fraud or malice, an employer is immune from civil liability for employment information released to a fire department under this section, or for any subsequent publication made by the employee or former employee of information released to a fire department under this section.

Subd. 5. [CONFIDENTIALITY AGREEMENTS.] If employment information is subject to a confidentiality agreement between the employee or former employee and the employer, the employer shall disclose the fact that such an agreement exists. If the employee or former employee has authorized the release of employment information without regard to any previous agreement to the contrary, the employer shall also disclose the employment information according to subdivision 2. If employment information is sealed or otherwise subject to a nondisclosure order by a court of competent jurisdiction, the employer shall disclose the fact that this order exists, along with information identifying the court and court's file number.

Subd. 6. [EMPLOYMENT INFORMATION DEFINED.] For purposes of this section, "employment information" means written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire.

Subd. 7. [APPLICATION.] For purposes of this section, "employer" does not include an entity that is subject to chapter 13.

Sec. 2. Minnesota Statutes 1998, section 604A.31, is amended by adding a subdivision to read:

Subd. 4. [FIREFIGHTER AND PEACE OFFICER INVESTIGATIONS.] Employers who provide information in conjunction with employment investigations of applicants for fire protection service positions or peace officer positions are immune from civil liability as provided in section 299F.036, subdivision 4, or 626.87."

Delete the title and insert:

"A bill for an act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing employers immunity for certain disclosures; amending Minnesota Statutes 1998, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F."

The motion prevailed and the amendment was adopted.

Ozment; Wenzel; Lenczewski; Dehler; Westfall; Knobloch; Anderson, I.; Fuller; Kalis; Larson, D.; Luther; Winter; Carruthers; Vandever; Gray; Abrams; Rostberg; Westerberg; Bakk; Rhodes; Olson; Pugh; Erhardt; Gleason; Chaudhary; Mullery; Davids; Tuma; Tomassoni; Johnson; Broecker; Skoglund; Murphy; Hackbarth; Tingelstad; McCollum; Rukavina; Greiling; Stang; Hilty; Rifenberg; Wolf; Swenson; Osskopp; Huntley; Stanek and Jennings offered an amendment to S. F. No. 486, as amended.

POINT OF ORDER

Reuter raised a point of order pursuant to rule 3.21 that the Ozment et al amendment was not in order. The Speaker ruled the point of order well taken and the Ozment et al amendment out of order.

S. F. No. 486, A bill for an act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing employers immunity for certain disclosures; modifying probationary period rules for city of Rochester firefighters; amending Minnesota Statutes 1998, section 604A.31, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299F.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Howes	Mahoney	Paulsen	Swenson
Abrams	Erhardt	Huntley	Mares	Pawlenty	Sykora
Anderson, I.	Erickson	Jaros	Mariani	Paymar	Tingelstad
Bakk	Finseth	Jennings	Marko	Pelowski	Tomassoni
Biernat	Folliard	Johnson	McCollum	Peterson	Trimble
Bishop	Fuller	Juhnke	McElroy	Pugh	Tuma
Boudreau	Gerlach	Kahn	McGuire	Rest	Tunheim
Bradley	Gleason	Kalis	Milbert	Reuter	Van Dellen
Broecker	Goodno	Kelliher	Molnau	Rhodes	Vandever
Buesgens	Gray	Kielkucki	Mulder	Rifenberg	Wagenius
Carlson	Greenfield	Knoblach	Mullery	Rostberg	Wejcman
Carruthers	Greiling	Koskinen	Munger	Rukavina	Wenzel
Cassell	Gunther	Krinkie	Murphy	Schumacher	Westerberg
Chaudhary	Haake	Kubly	Ness	Seagren	Westfall
Clark, J.	Haas	Kuisle	Nornes	Seifert, J.	Westrom
Daggett	Hackbarth	Larsen, P.	Olson	Seifert, M.	Wilkin
Davids	Harder	Larson, D.	Opatz	Skoglund	Winter
Dawkins	Hasskamp	Leighton	Orfield	Smith	Wolf
Dehler	Hausman	Lenczewski	Osskopp	Solberg	Workman
Dempsey	Hilty	Leppik	Osthoff	Stanek	Spk. Sviggum
Dorman	Holberg	Lindner	Otremba	Stang	
Dorn	Holsten	Luther	Ozment	Storm	

The bill was passed, as amended, and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Abeler moved that the name of Westerberg be added as an author on H. F. No. 2446. The motion prevailed.

Seifert, J., moved that H. F. No. 2441 be recalled from the Committee on Civil Law and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

REPORTS FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pawlenty for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be it Resolved, by the House of Representatives of the State of Minnesota, that while it is adjourned until 2000, the Chief Clerk under the direction of the Speaker shall maintain House facilities in the Capitol. The House Chamber, retiring room, hearing and conference rooms, and offices shall be set up and made ready for legislative use and reserved for the House and its committees. Those rooms may be reserved for uses by others that are not in conflict with the House's use.

Be it Further Resolved that the House Chamber, retiring room, and hearing rooms may be used by the Territorial Pioneers, YMCA Youth in Government, Girls' State, Young Leaders Organization, National Forensics League, and 4-H Leadership Conference.

The motion prevailed and the report was adopted.

Pawlenty for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, by the House of Representatives of the State of Minnesota, that while it is adjourned until 2000, it retains the use of parking lots B, C, P, O and N, and the state office building parking ramp, for members and employees of the House of Representatives.

Be It Further Resolved that the Sergeant at Arms is directed to manage the use of the lots and ramp while the House of Representatives is adjourned.

The motion prevailed and the report was adopted.

Pawlenty for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be it Resolved, by the House of Representatives of the State of Minnesota, that the Chief Clerk is directed to correct and approve the Journal of the House for Monday, May 17, 1999.

Be it Further Resolved that the Chief Clerk is authorized to include in the Journal for Monday, May 17, 1999, any proceedings including subsequent proceedings and any legislative interim committees or commissions created or appointments made to them by legislative action or by law.

The motion prevailed and the report was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 319:

Mares, Krinkie and Wenzel.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:30 a.m., Friday, May 14, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Friday, May 14, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives